

# PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 to allow for an accessory structure in the side yard as shown on the attached rear yard.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. The accessory structure is an existing building already in the side yard.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:  
(Type or Print Name)  
Signature  
Address  
City and State

Legal Owner(s):  
William J. O'Hara  
(Type or Print Name)  
Signature  
(Type or Print Name)  
Signature  
Address  
City and State

Attorney for Petitioner:  
(Type or Print Name)  
Signature  
Address  
City and State

Attorney's Telephone No.:  
Address  
Phone No.

MAP NW 17  
2D  
E.D. 4th  
DATE 4-6-88  
200 BF  
1000 BF  
DE

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of November 1987, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 405, County Office Building in Towson, Baltimore County, on the 26th day of January 1988, at 11 o'clock A.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County.

(over)

IN RE: PETITION FOR ZONING VARIANCE  
E/S Falls Road, 1520.98' NW  
of Dellwood Court  
(18 Hickory Meadow Road)  
8th Election District  
3rd Councilmanic District

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

Case No. 88-279-A

William J. O'Hara  
Petitioner

## MEMORANDUM AND ORDER

The Petitioner herein requests a zoning variance to permit an accessory structure (existing garage) in the side yard in lieu of the required rear yard, as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by his wife, Janet O'Hara, and James W. McKee, professional engineer, appeared and testified. There were no Protestants.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, it is the opinion of the Zoning Commissioner that the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and therefore, the variance should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, in the opinion of the Zoning Commissioner, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 2nd day of February, 1988 that an accessory structure (existing garage) in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restrictions:

JRH:bjs

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioner will not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen facilities.

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

ORDER RECEIVED FOR FILING  
Date 12/13/87  
By J. Robert Haines

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines  
TO: Zoning Commissioner  
Date: December 9, 1987

Norman E. Gerber, AICP  
FROM: Director of Planning and Zoning

Zoning Petitions No. 88-273-A, 88-276-A,  
SUBJECT: 88-227-A, 88-278-A, 88-279-A, 88-280-A

There are no comprehensive planning factors requiring comment on this petition.

Norman E. Gerber, AICP  
Director

NEG:JGH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel  
File

Very truly yours,

Michael S. Planigan  
Traffic Engineer

MSF:sb

RECEIVED  
NOV 9 1987  
ZONING OFFICE

## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 12, 1988

COUNTY OFFICE Bldg.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

Mr. William J. O'Hara  
18 Hickory Meadow Road  
Hunt Valley, Maryland 21030

RE: Item No. 119 - Case No. 88-279-A  
Petitioner: William J. O'Hara  
Petition for Zoning Variance

Dear Mr. O'Hara:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:kkb

Enclosures

cc: McKee & Associates, Inc.  
Shawan Place, 5 Shawan Road  
Hunt Valley, Maryland 21030

Richard H. Trainor  
Secretary  
Hal Kassoff  
Administrator

## Maryland Department of Transportation State Highway Administration

October 8, 1987

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

At: Mr. James Dyer

RE: ZAC Meeting of 10-6-87  
ITEM: #119.  
Property Owner: William J. O'Hara  
Location: E/S Falls Road, Route 25  
1520.98 feet NW Dellwood Court  
Existing Zoning: R.C.  
Proposed Zoning: Variance to allow for an accessory structure in the side yard in lieu of the required rear yard  
Area: 2.137 acres  
District: 8th Election District

Dear Mr. Haines:

On review of the submittal of S-12-87, the State Highway Administration - Bureau of Engineering Access Permits finds the site plan generally acceptable.

All residential access to the proposed three (3) lot subdivision by way of the 16' residential drive must be through the District #4 Resident Maintenance Engineer, Mr. Gary Ewers (301-574-4511) at 8375 Pulaski Highway, Rosedale, Md. 21237.

Very truly yours,

George Wittman  
Creighton J. Mills, Jr.  
Acting Chief  
Bureau of Engineering

CJN:GW:maw

cc: Mr. C. Ewers (w-attachment)

RECEIVED  
OCT 13 1987  
ZONING OFFICE

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-482-5082 Stenowide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

## BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this 3rd day of November, 1987.

J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER

Petitioner: William J. O'Hara  
Petitioner's Attorney: Received by: James E. Dyer  
Chairman, Zoning Plans Advisory Committee



Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
494-4500

Paul H. Reinecke  
Chief

October 16, 1987

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204



Dennis P. Rasmussen  
County Executive

Re: Property Owner: William J. O'Hara

Location: E/S Falls Road, 15.98' NW Dellwood Court

Item No.: 119

Zoning Agenda: Meeting of 10/6/87

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Hara*  
Planning Office  
Special Inspection Division

Noted and  
Approved:

*John F. O'Hara*  
Fire Prevention Bureau

/31

### MCKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030

Telephone: (301) 252-5820

September 24, 1987

DESCRIPTION OF PROPERTY OF WILLIAM J. O'HARA  
2.137 ACRES + FALLS ROAD  
EIGHTH ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND

Beginning at a point on the East side of Falls Road (Maryland State Route 25), said point being northerly 1520.93 feet from the northwestern most side of Dellwood Court; thence running and binding on said road, North 11° 52' 35" East 15.88 feet; thence North 50° 54' 39" East 135.57 feet; thence North 65° 10' 04" East 301.07 feet; thence South 25° 31' 35" East 455.87 feet; thence South 64° 28' 25" West 231.82 feet; thence North 17° 01' 54" West 452.86 feet; thence South 65° 10' 04" West 135.00 feet; thence South 50° 54' 39" West 146.65 feet to the place of beginning. Containing 2.137 Acres ±.

Mr. William J. O'Hara  
18 Hickory Meadow Road  
Hunt Valley, Maryland 21030

RE: Petition for Zoning Variance  
E/S Falls Road, 1520.98' NW of Dellwood Court  
8th Election District, 3rd Councilmanic District  
Case No. 88-279-A

Dear Mr. O'Hara:

Enclosed please find the decision rendered in the above-referenced case. The Petition for Zoning Variance has been Granted, subject to the restrictions noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
of Baltimore County

JRH/sjs

CC: James W. McKee  
Shawan Place, 5 Shawan Road  
Hunt Valley, Maryland 21030

People's Counsel

File

### CERTIFICATE OF PUBLICATION

TOWSON, MD., Jan 7 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Jan 7 1988

THE JEFFERSONIAN,

*Susan S. Street*  
Publisher

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 47489

County, Maryland and forward  
113, Towson, Maryland 21204.

DATE: 1/24/88 ACCOUNT: R-01-415-000

AMOUNT: \$ 825.9

RECEIVED FROM: William J. O'Hara

FOR: Rating Variance 1/24/88 hearing

BUCKET: 88-279-A

VALIDATION OR SIGNATURE OF CASHIER

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Case number: 88-279-A  
E/S Falls Road 1520.98' NW of Dellwood Court  
8th Election District - 3rd Councilmanic District  
William J. O'Hara - Petitioner  
DATE/TIME: Tuesday, January 26, 1988 at 11:00 a.m.

Variance to allow for an accessory structure in the side yard in lieu of the required rear yard.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing or presented at the hearing.

No. 41649

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE: 1/29/87 ACCOUNT: 01-415

AMOUNT: \$ 35.00

RECEIVED FROM: McKee & Associates

FOR: Filing Fee for Variance Item 119

BUCKET: 8143\*\*\*\*\*35004 32254

VALIDATION OR SIGNATURE OF CASHIER

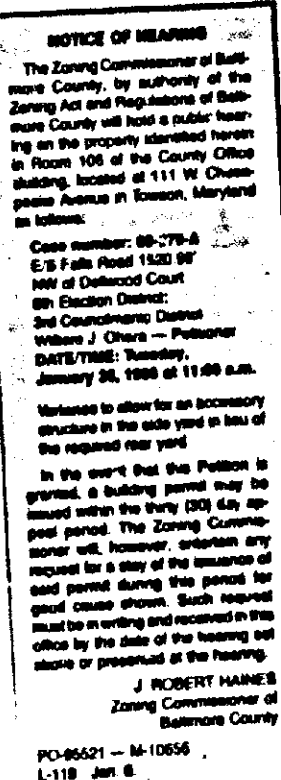
### CERTIFICATE OF PUBLICATION

TOWSON, MD., Jan 6 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of \_\_\_\_\_ successive weeks, the first publication appearing on Jan 6 1988

TOWSON TIMES,

*Susan S. Street*  
Publisher



### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

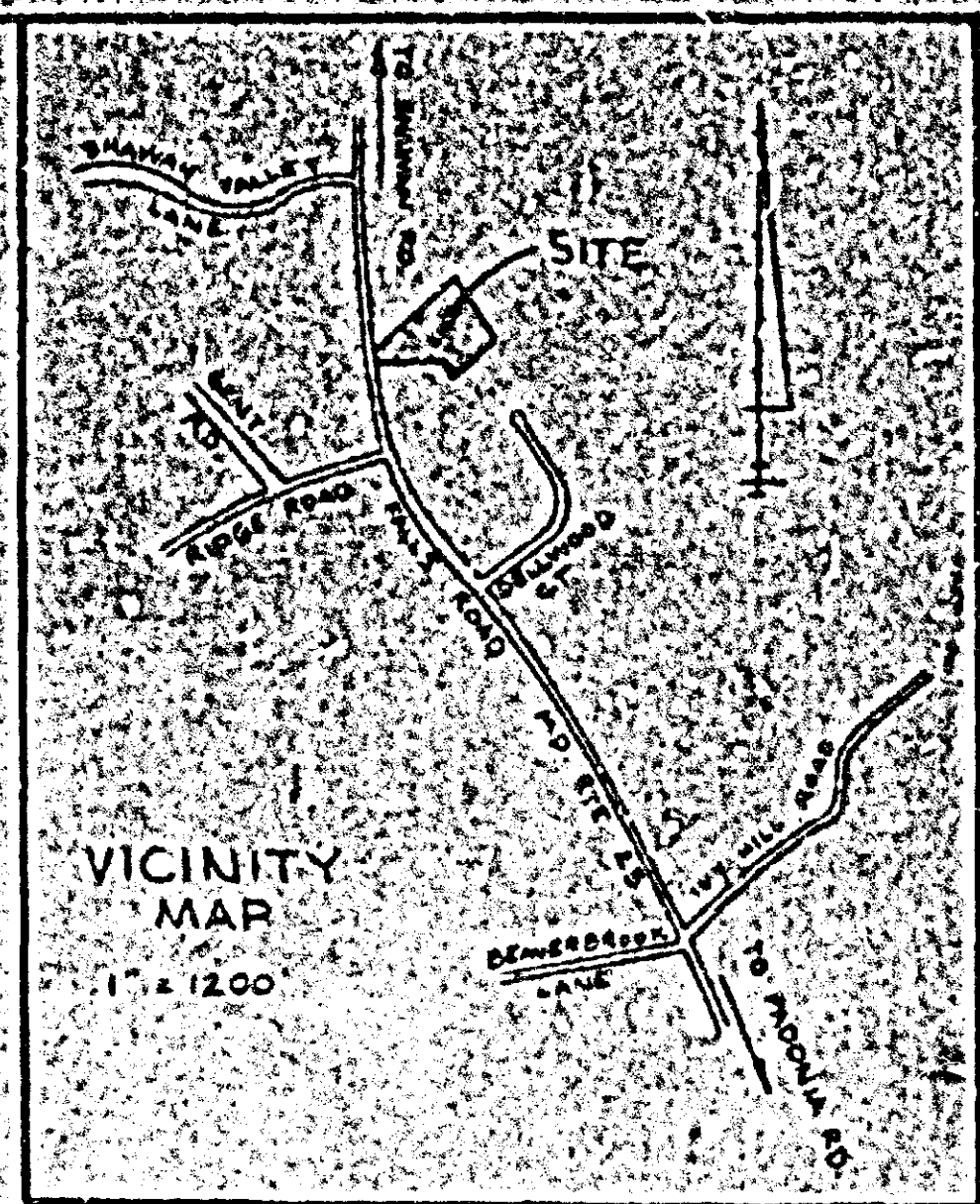
District: 874  
Posted for: Variance  
Petitioner: William J. O'Hara  
Location of property: E/S Falls Rd. 1520.98' NW of Dellwood Ct.  
Location of Sign: 1520.98' NW of Dellwood Ct.  
Remarks: Rating Variance 1/24/88 hearing  
Posted by: [Signature]  
Number of Signs: 1  
Date of return: 1/29/88



# GENERAL NOTES

1. LOTS SHOWN HEREON ARE FOR SINGLE FAMILY DWELLINGS ONLY.
2. LOTS SHOWN HEREON ARE TO BE SAVED.
3. LOTS SHALL OPERATE ON PRIVATE WELLS & SEPTIC.
4. TRASH TO BE COLLECTED BY BALTO. CO. MD.
5. FOR PANHANDLE LOTS, REFUSE COLLECTION, SNOW REMOVAL & ROADWAY MAINTENANCE ARE PROVIDED TO THE JUNCTION OF THE PANHANDLE AND STREET R/W ONLY, AND NOT ON THE PANHANDLE LOT DRIVEWAYS.
6. NO BUILDING PERMITS SHALL BE ISSUED FOR THE CONSTRUCTION OF A DWELLING ON A LOT UNTIL A FINAL PLAT IS FILED & APPROVED BY APPLICABLE STATE & LOCAL AGENCIES HAVING JURISDICTION.
7. LANDS TO BE FORMED BY THE INDIVIDUAL LOT OWNER.
8. PROCESSION TESTS HAVE BEEN CONDUCTED IN THE FIELD, SEE FILE ON RECORD WITH BALTO. CO. HEALTH DEPT. FOR RESULTS.
9. NO MORE THAN 15% OF ANY LOT MAY BE COVERED BY BLDGS.
10. NOTE: FRAME SHED IS APPROXIMATELY 8' HIGH.

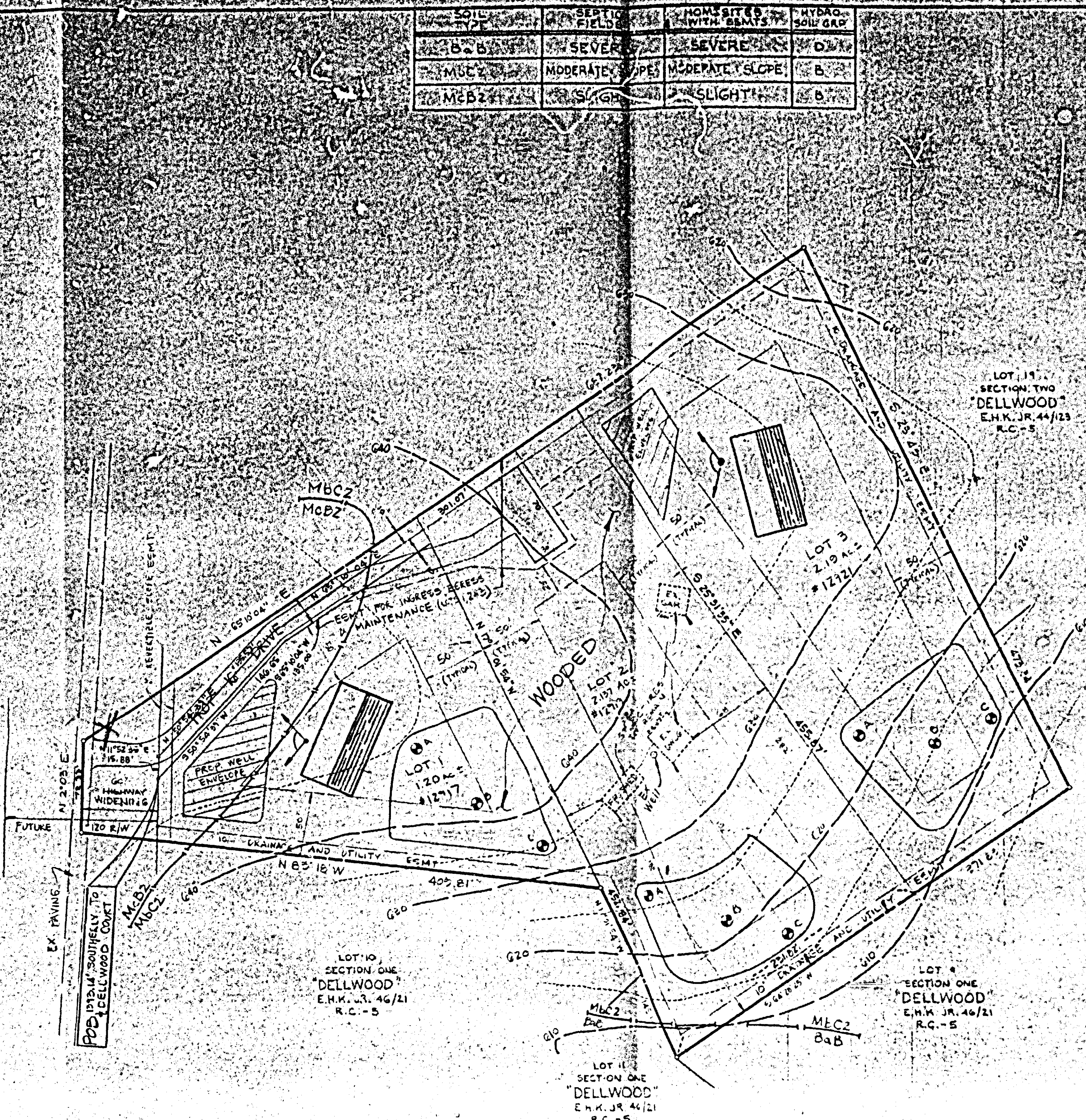
| SOIL TYPE | SEPTIC FIELD | HOMESITES WITH SEPTICS | HYDRO. SOIL GRP. |
|-----------|--------------|------------------------|------------------|
| B-6       | SEVERE       | SEVERE                 | D-1              |
| MBC2      | MODERATE     | MODERATE               | B                |
| MBC2      | SLIGHT       | SLIGHT                 | B                |



## ZONING REQUEST

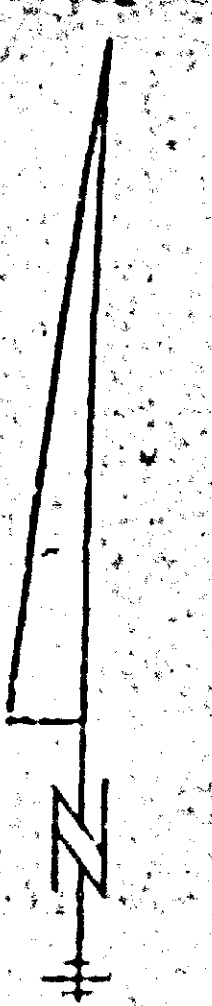
REQUESTING A VARIANCE FROM SECTION 400.1 TO ALLOW FOR AN ACCESSORY STRUCTURE IN THE FRONT YARD.

FALLS ROAD  
(MARYLAND STATE ROUTE 25)



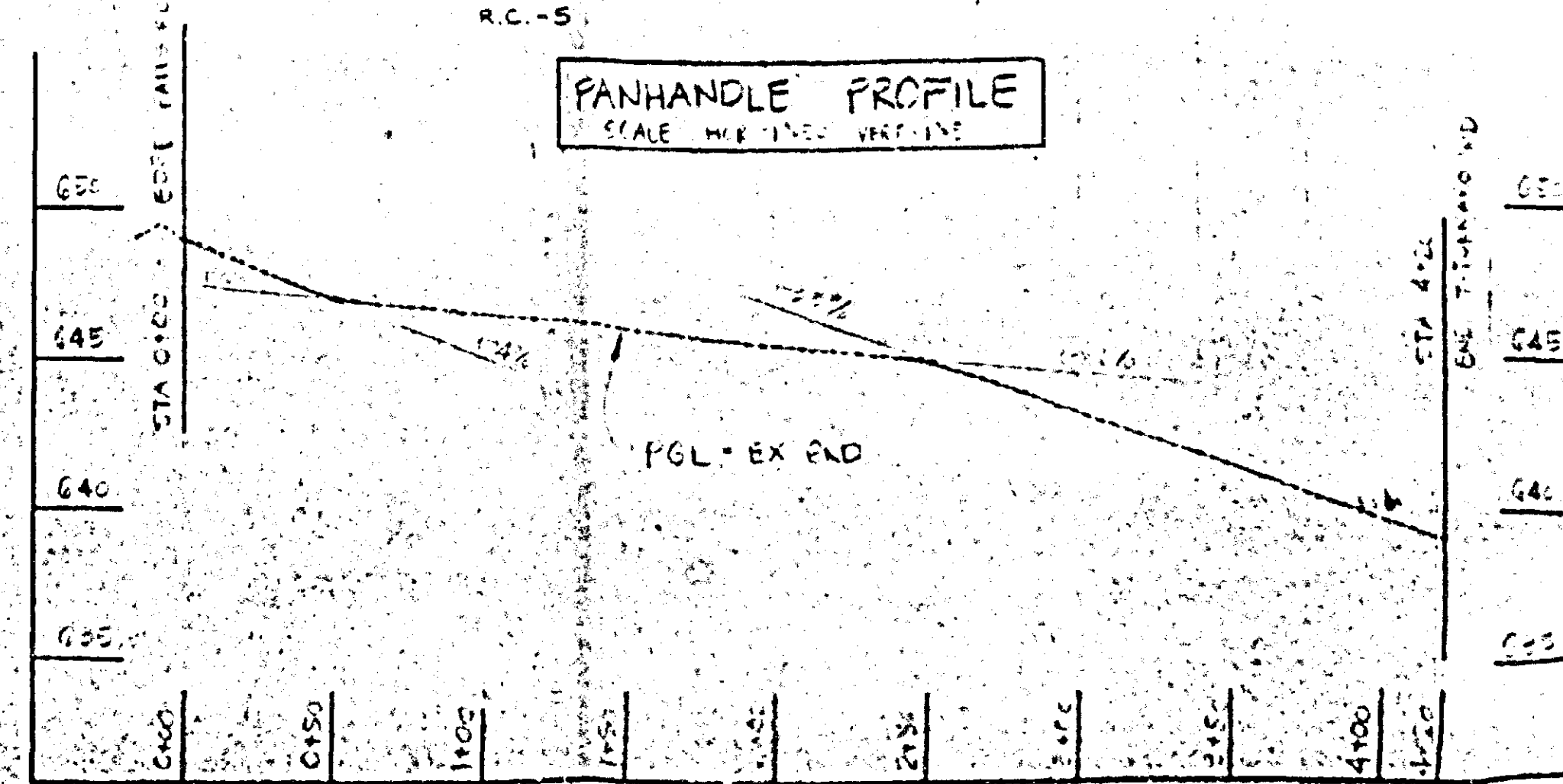
## DENSITY NOTES

1. EXISTING ZONING R.C.-5
2. GROSS AREA OF TRACT 5.56 AC.
3. NET AREA OF TRACT 5.43 AC.
4. NO. OF LOTS ALLOWED 3.7
5. NO. OF LOTS PROPOSED 3
6. HIGHWAY WIDENING AREA 0.13 AC.
7. AVERAGE LOT SIZE 5.81 AC.



## PANHANDLE PROFILE

SCALE: HORIZ. 1" = 100' VERT. 1" = 10'



**McKEE & Associates, INC.**  
CIVIL ENGINEERS & LAND SURVEYORS  
5 SHAWAN ROAD - HUNT VALLEY, MARYLAND 21030  
(301) 252-5820



REVISION  
REVISED TO SHOW NEW  
WELL ENV. LOCATION ON LOT 3,  
HOUSE NOS. LOT NOS. 1 & 2

DATE BY  
8/2/79 JWG

COMPUTED BY:  
DRAWN BY: ADD JG  
CHECKED BY: JG  
JOB NUMBER: 87-70

JAMES W. McKEE  
(MD. REGISTERED NUMBER 9912)

## PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

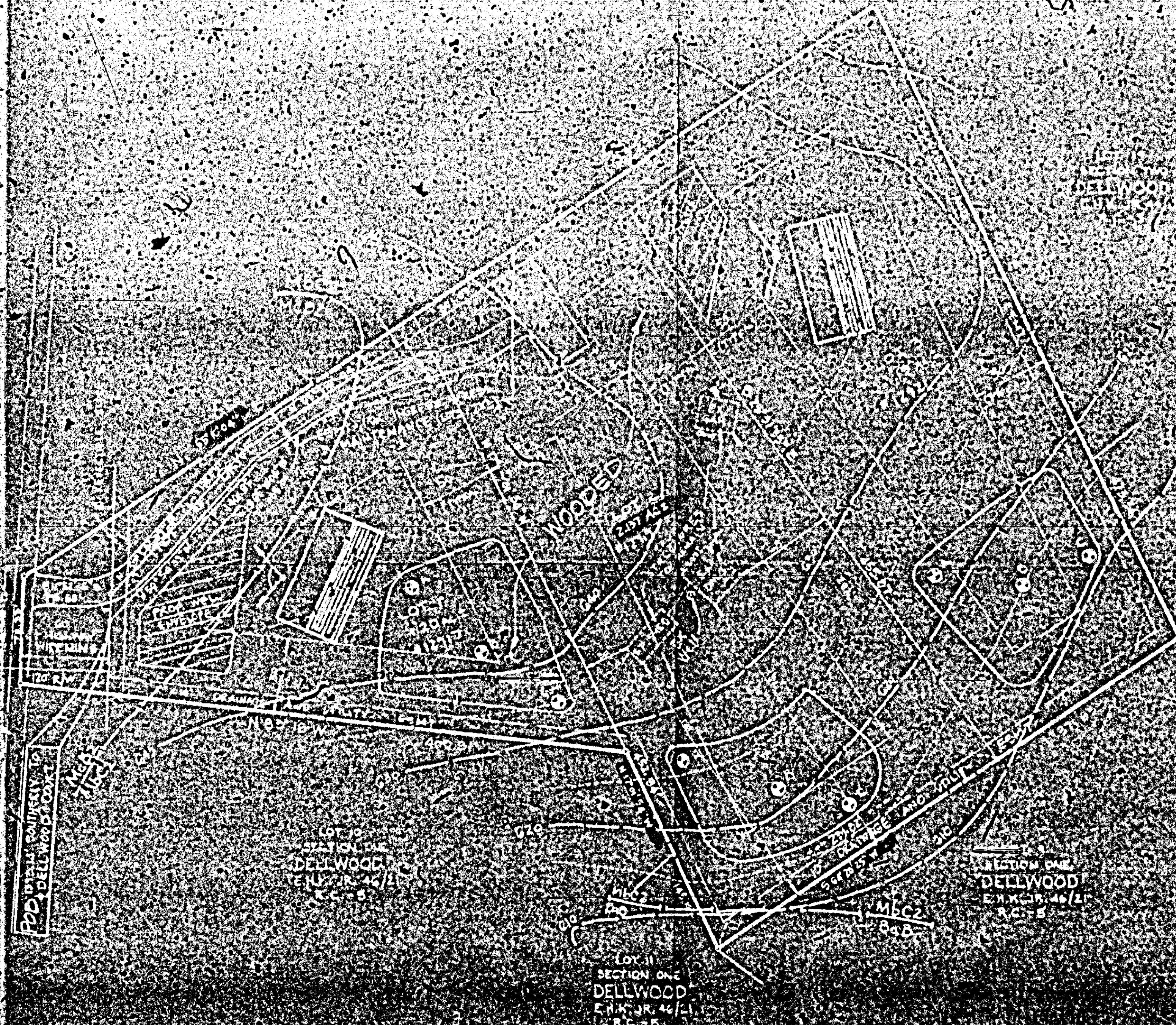
AT  
THE PROPERTY OF  
**WILLIAM J. O'HARA**  
8TH ELECTION DISTRICT BALTIMORE CO., MD.  
SCALE 1" = 50' JULY 21, 1987  
REV 8/11/87

OWNER  
MR. BILL O'HARA  
18 HICKORY MEADOW ROAD  
HUNT VALLEY, MD. 21030  
301-665-1228

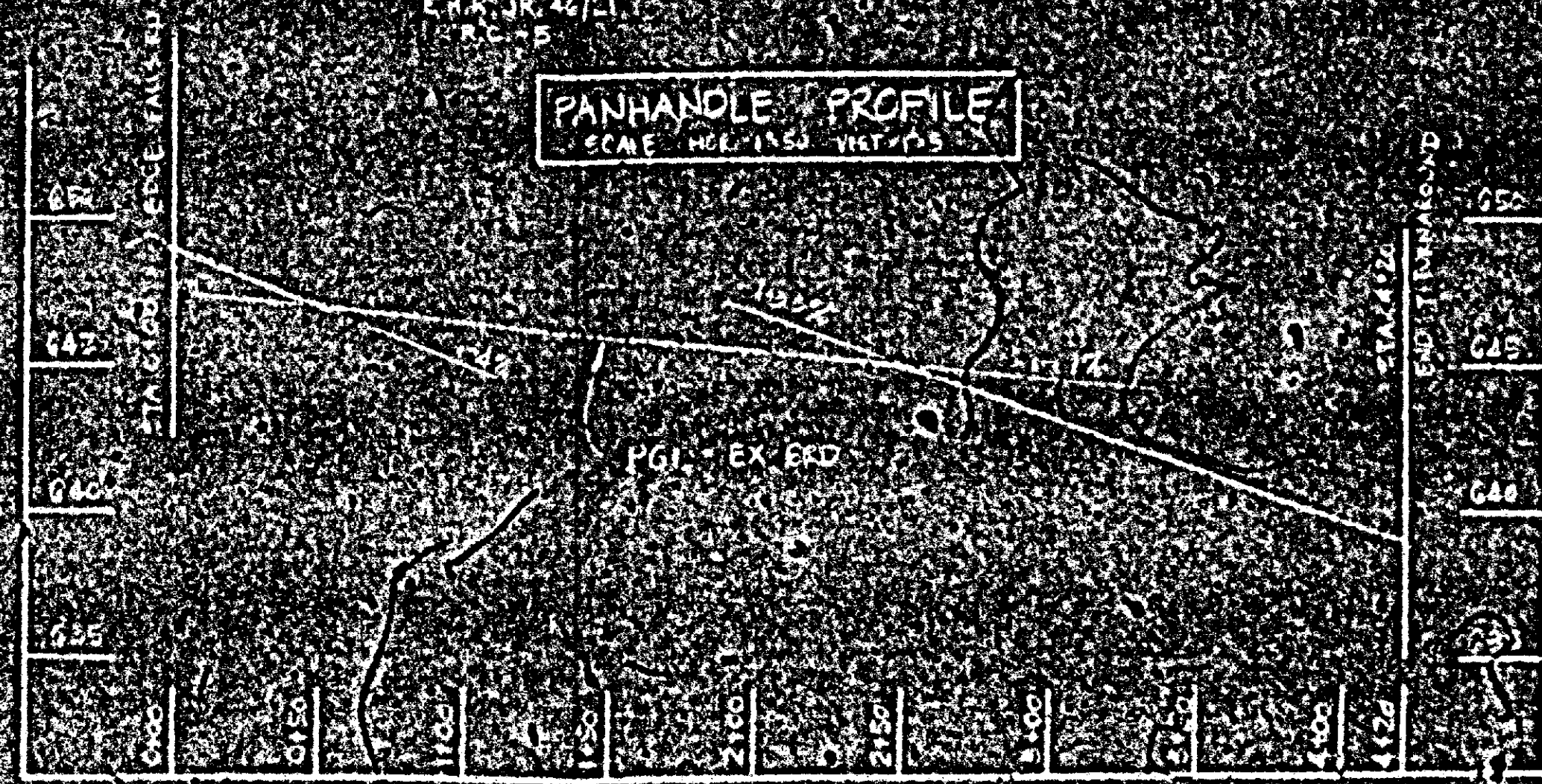


**ZONING REQUEST**  
 1. THE PETITIONER REQUESTS A VARIANCE FROM THE ZONING ORDINANCE OF THE CITY OF BALTIMORE, MARYLAND, TO PERMIT THE CONSTRUCTION OF A SINGLE-FAMILY RESIDENTIAL DWELLING ON THE SUBJECT PROPERTY.

FAIRFAX ROAD  
 (MONTGOMERY COUNTY)



**PANHANDLE PROFILE**  
 SCALE: HORIZ. 1"=50' VERT. 1"=5'



**McKEE & ASSOCIATES, INC.**



REVISION: TO: FROM: DATE BY: 0/1/17

**DENSITY NOTES**

1. THE PETITIONER REQUESTS A VARIANCE FROM THE ZONING ORDINANCE OF THE CITY OF BALTIMORE, MARYLAND, TO PERMIT THE CONSTRUCTION OF A SINGLE-FAMILY RESIDENTIAL DWELLING ON THE SUBJECT PROPERTY.

**PETITIONER'S EXHIBIT 1**

**PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE**

THE PROPERTY OF WILLIAM J. O'HARA  
 8TH ELECTION DISTRICT BALTIMORE, CO. MD.  
 SCALE: 1"=50' JULY 21, 1987

**OWNER**

WILLIAM J. O'HARA  
 18 HICKORY MEADOW ROAD  
 MONTGOMERY, MD. 20850  
 301.665-1238